

UTAH STATE PLANNING SELF-ASSESSMENT REPORT

INTRODUCTION

A major change since Utah's last state planning report and LSC's "Building State Justice Communities" report on state planning issued in March 2001, is the Access to Justice Foundation dissolved and "and Justice for all" incorporated and assumed the leadership role in implementing the Access to Justice Task Force recommendations. Major accomplishments since the last report include the unified statewide fundraising campaign and progress on the Community Legal Center, both of which were cited in "Building State Justice Communities" report, and are addressed primarily in Section III of this report.

LSC State Planning Letter 2000-7 was distributed to the directors of Disability Law Center, the Legal Aid Society of Salt Lake, the Multi-Cultural Legal Center, the President of the Utah Bar Foundation and Director of the Utah State Bar with an invitation to join in compiling a response.

I. To what extent has a comprehensive, integrated and client-centered delivery system been achieved in Utah?

1. What important issues impact upon low-income people in Utah and how are you responding?

Utah's economy is in recession for the first time in a generation, last year the state lost jobs and additional losses are predicted for the coming months. The unemployment rate is 50% higher than the average for the last five years. In March the state legislature made deep cuts in budgets for education, as well as medical and supportive services for low-income families. Since the cuts are just beginning to take effect the impact on our clients isn't known.

Historically, domestic relations and family law matters, including those involving abuse and violence, and the lack of affordable housing, expedited evictions, and unfit conditions have been the problems for which assistance is most frequently sought. There is steady demand for assistance with disability cases and other public benefit matters.

Utah Legal Services (ULS) has actively sought additional funding for domestic violence cases. In addition to Violence Against Women Act (VAWA) and Victims of Criminal Acts (VOCA) grants to provide representation to victims seeking protective orders, ULS staff has written and administered two successful Department of Justice grant proposals which permitted ULS and the Legal Aid Society of Salt Lake (LAS) to represent protective order recipients in divorces and issues related to domestic violence. ULS has expanded services to victims of domestic violence in hard to reach and under

served communities including immigrants, migrant farm workers, refugees and American Indians, these efforts are discussed in greater detail below.

ULS is planning a comprehensive survey of legal needs using resources and skills of University of Utah students and faculty. This semester, a communications class is surveying 250 community agencies about the legal needs of their clients and determining if the agency is willing to help ULS survey their clients about legal problems they face. The results of this survey will be used to design the plan for directly surveying potential clients being developed by staff of the University's Social Research Institute. The survey is designed to be completed incrementally to take advantage of as much volunteer labor as possible, but because of the expertise in design, new components will follow a protocol to ensure their inclusion will maintain the validity of the survey findings.

2. What are the components of the delivery system?

ULS has been a statewide program since it was founded with the merger of Salt Lake County Bar Legal Services and Weber County Legal Services in 1976. DNA Legal Services serves the Utah portion of the Navajo Nation with an office in Halchita, San Juan County, Utah.

The oldest nonprofit legal aid program in Utah, the Legal Aid Society of Salt Lake has provided representation in family law and domestic violence cases in the capital county for 80 years. The Disability Law Center is the protection and advocacy office for Utah and provides legal assistance to people with disabilities throughout the state.

The newest non-profit provider, Multi-Cultural Legal Center, was founded recently to provide legal assistance to Utah's racial and ethnic communities, where cultural or language barriers exist. Areas of emphasis include immigration, housing, employment discrimination, language rights and racial profiling. Last Fall, Holy Cross Ministries assigned two Sisters to Utah to provide assistance in immigration matters.

Twenty years ago ULS and LAS sponsored a *pro bono* project to meet the demand for assistance in family law matters including protective order cases. The Utah State Bar (USB), its Young Lawyer and Family Law Sections and Delivery of Legal Services Committee were active partners in developing and supporting these *pro bono* efforts, as was the Salt Lake County Bar. Ten years ago the USB institutionalized support by funding a *Pro Bono* Coordinator position and expanded the program to include a variety of cases.

The USB and some local bar associations sponsor weekly or monthly "Night at the Bar" programs where volunteer attorneys meet with clients to provide advice and referrals. Two local bar associations provide representation to victims of domestic violence at protective order calendars.

In 1996, the Utah State Bar and Supreme Court formed the Access to Justice Task Force, and its recommendations were addressed in our last state planning report. In 1999

the "and Justice for all" campaign (AJFA) was created by the Disability Law Center, Legal Aid Society and ULS to address the Task Force's recommendation to form a joint fundraising effort focusing on attorneys. AJFA incorporated as a non-profit entity in 2000, and its 501(c)(3) status was confirmed by the IRS. AJFA trustees (two board members from each agency and a trustee appointed by the Utah State Bar Commission) defined its mission: create and sustain resources to support legal services; improve efficiencies through shared and consolidated operations; and strengthen each agency in serving its client populations. AJFA has assumed the leadership role in supporting and coordinating civil legal services for low-income and disadvantaged Utahns.

3. Has this system created mechanisms to assess its performance in relationship to commonly accepted external guides such as ABA Standards or LSC Performance Criteria?

No formal mechanism has been created or adapted to assess performance of the system.

4. Does your statewide system work to ensure the availability of equitable legal assistance to clients--including self-help, legal education, advice, brief service and representation in all relevant forums? Describe what steps you anticipate taking to ensure equitable access in coming years.

ULS has taken the lead in Utah in creating and updating community education materials and self-help packets as reported in our last state planning report. We continue to widely distribute these materials to other community organizations and at clinic sites. Since that report ULS devoted substantial time and resources to developing *pro se* family law pleadings which are now used in the Online Court Assistance Program (OCAP). The Judicial Council just approved a guardianship for minors packet ULS prepared and we continue to work with the Administrative Office of the Courts to develop and update pleadings and explanations for modifying child support orders, child support enforcement, and visitation enforcement and have agreed that the next topic will be name changes.

ULS statewide intake is designed to provide advice on a range of issues and identify cases which meet our priorities for extended representation. Within the next year we hope to record "voice cascades" which will describe in general terms the types of cases in which ULS can provide assistance. Callers can listen to this information without being asked about their income and assets to be informed about our general eligibility standards and priorities and given the choice to speak to an intake worker if they want to qualify for assistance.

ULS is adding community education material and *pro se* forms or links to the OCAP system when appropriate to the ULS website and plans to publicize both the site and locations such as courthouses, libraries and senior citizens centers.

ULS is in the final five months of a three-year AmeriCorps grant focused on outreach to rural and hard to reach populations to inform them of the services provided by ULS and to identify unique legal needs these populations might have. Six Volunteers In Service to America (VISTA) staff the program, one was placed at the University of Utah Law School to assist in the formation of a new student *pro bono* initiative and another with the *Pro Bono* Coordinator at the USB to offer student assistance to attorneys willing to take a case.

The VISTA volunteers have regularly traveled to rural areas of the state and been active participants in local domestic violence coalitions. A direct result of their outreach efforts is a monthly clinic at a senior center in northeastern Utah, 125 miles from the nearest ULS office. Similar clinics have been established at courthouses in three northern Utah counties, and staff is working with local judges to develop a clinic in a central Utah county.

Working with the Multi-Cultural Legal Center, monthly outreach clinics have been established at the Asian Center and for the Polynesian community at the Sorenson Multicultural Center. These sites supplement the StreetLaw weekly outreach at Guadalupe School, St. Vincent de Paul Soup Kitchen, Salvation Army, every other week outreach at Indian Walk-In Center and YWCA Domestic Violence Shelter. While ULS established these outreach programs, many are now regularly staffed by volunteer attorneys and law students, but ULS at a minimum provides liability and back up coverage, and some ULS attorneys participate on a *pro bono* basis. A ULS senior staff member began an after hours courthouse clinic in the largest judicial district as his own *pro bono* project which expanded to two nights and has served as a model for ULS clinics.

5. How is technology employed to provide increased access and enhanced services statewide? What technological initiatives are currently underway and how will they support the integrated statewide delivery system?

Several years ago, ULS instituted statewide centralized intake from our Salt Lake City office. Dozens of volunteers supervised by many paid staff members perform initial intake (establishing the characteristics, demographics, and financial eligibility of new callers). Until recently, the initial intake process ended with the promise of a call back by a substantive advocate whenever an eligible caller's legal concern was within priorities for extended service. However, this resulted in our inability to contact 40% of otherwise eligible callers.

In February 2002, we began a real-time call and data transfer system. Once determined eligible by an intake worker, new callers are immediately transferred to substantive advocates (lawyers and paralegals skilled in particular areas of the law). Since every ULS advocate has desktop e-mail, electronic records are also transferred so the advocate sees all the information gathered by the initial intake worker while speaking to the new caller. The electronic record is dynamic (enabled for editing) so the advocate can add to the record and then send it to the appropriate field office. Substantive

advocates assign themselves weekly on-call shifts, overseen by the substantive task forces. While some advocates did not embrace the prospect of being bound to accept calls during certain hours on some days, most recognized that good client service required us to find a way to speak with the 40% of eligible clients whom we could not contact by calling back.

Since substantive advocates can be located many counties away from the office which will ultimately handle a case, advocates have become knowledgeable about the legal processes and resources available throughout the state. A synergy is developing. Advocates who thought that their courts' housing calendars were handled in the only way possible now understand that other ways exist and that some are more beneficial to impoverished clients. Domestic practitioners are gaining broad knowledge about how various judges respond to particular protective order pleading allegations. In short, the recognition of best practices is no longer confined to experienced task force chairpersons.

Moving to real-time call and data transfer required substantial time and preparation. Case management software had to be amended to permit the discrete encapsulation of a client record so that it could be e-mailed. Numerous other software changes were required to track the whereabouts of a given client case as well as ensuring the latest version of a client case became available in the office needing it. We researched many different methods for transferring telephone calls in real time, including frame relay, point-to-point T-1 connections, ISDN, QSIG, and VoIP. But we finally settled on old technology: a centrex service on all of our incoming (hunt group) lines. Any incoming call can now be transferred to another office. This proved to be the least expensive method overall.

ULS is currently in the process of testing new client database software (John Kemp's Clients for Windows) that resides on a centrally-located SQL server. As soon as this software becomes available to all ULS staff, there will be no need to transfer client data via e-mail since every individual staff member and volunteer will be accessing the same data store.

ULS received a LSC TIG grant to follow up on the success of the Utah Online Court Assistance Program (OCAP). www.UtahProBono.org lets impecunious OCAP users request a volunteer attorney to review the divorce pleadings before they're filed with the court. Lawyers will be able to review documents at any convenient time; they only need access to the internet. No service beyond a review of the documents will be asked of volunteers. www.UtahProBono.org/apslawyer/ lets a new attorney sign up. Once the attorney gets the e-mailed password, the attorney's home page shows cases, messages, and the complete OCAP question list, and the ability to update the personal profile (phone number, e-mail address, etc.). The attorney can mark herself as "unavailable" as well as enter a limited period of unavailability.

Once an OCAP user requests assistance, the user's complete pleading set as well as the user's responses are sent to the APS server. In most circumstances, the next attorney in rotation will receive an e-mail notification asking the attorney to log on to the

attorney's APS home page, check the abbreviated conflicts information, then accept or decline the case. If there's no response within 3 days, the case is reassigned automatically. An attorney can also give out his "keyword" so that the OCAP user's pleadings are provisionally assigned (and e-mail sent) to him.

www.UtahProBono.org/apsuser/ is the OCAP user's home page. The unique password generated by the OCAP system is required to log in here. Users can exchange e-mail with the attorney or the system administrator as well as download their pleadings once the attorney has finished reviewing them.

www.UtahProBono.org/apsadmin/ allows system administrators to accept each lawyer's registration, retrieve cases from attorneys, reassign cases, change the text of numerous automated messages and system pages, as well as alter the timers used to monitor various activities. Information exchanged between the APS website and OCAP, lawyers, users, and administrators is protected by an encryption service (Thawte.com).

6. How has the delivery system expanded its resources to provide legal services to low-income clients including migrant farmworkers, Native Americans, the elderly, those with physical or mental disabilities, those confined to institutions, immigrants and the rural poor?

ULS staff has substantial experience serving migrant/seasonal farm workers and American Indians and works closely with other legal service and community providers to maximize the limited resources which exist in the state and to identify and obtain additional funding.

This year ULS involved students from both Utah law schools in providing services in Ute Tribal Juvenile Court. Students travel over 200 miles every Tuesday to act as guardians-ad-litem in abuse and neglect case or to advise and represent youth charged with status offenses. This effort began after ULS received VOCA funding to represent victims of domestic violence in Tribal Court. In the first year of this project, the tribal advocate represented elders, adults and children under the assault provisions of the Ute Tribal Code, because there is no spouse/cohabitant provision. During appearances in Tribal Court, staff learned there were many children who needed representation provided in the state court system but not available in Tribal Court.

With the enthusiastic support of the Tribal Court and faculty at Brigham Young University, a dozen law students were recruited, trained and admitted to the Tribal Bar. The project coordinator and several students are American Indians and their evaluations reflect the experience has been valuable as legal education, *pro bono* experience, and opportunity to serve as a role model. The travel and meals for the students during the typically 10+ hour day are funded by an ABA Rural Pro Bono grant. Because the Tribal Court and BYU law school are very pleased with the project and committed to continuing it, we are optimistic that a new source of funds will be available when the ABA grant is expended.

In 1999, ULS obtained a VAWA grant to provide outreach and linkage between the domestic violence network and organizations serving migrants, immigrants and refugees to educate them, and victims of domestic violence, that victims who are not citizens can file a self-petition to adjust their immigration status and that ULS would assist them in doing so. Because of cultural and language barriers many of these victims are inherently very reluctant to ever report abuse and even more so when they believe their immigration status is dependent on the good will of the perpetrator.

We partnered with a small non-profit agency specializing in immigration matters to coach its staff how to write, perform and report according to grant standards with the expectation that agency would be the applicant the next year. The agency did not apply and disbanded. ULS obtained the funding again in 2001, and worked with Multi-Cultural Legal Center so that their solo application for 2002 was successful. ULS staff coordinate outreach with Catholic Community Services and Holy Cross Ministries in rural Utah and have trained them on the cases we can take and accepted referrals in areas outside their expertise.

The Senior Lawyer Volunteer Project (SLVP) of ULS is primarily funded by foundations and individuals and utilizes retired, inactive, a few very active attorneys, and law students to provide simple estate planning and end of life services to low-income seniors. This project compliments the Area Agency on Aging funding ULS receives from several counties and associations of governments which, while not means tested, is targeted to serve those in greatest economic and social need with matters which don't meet ULS priorities, expanding services available to seniors.

ULS was awarded a three year Administration on Aging grant to educate seniors throughout the state about their rights under Medicare and how to detect and report fraud or abuse in a Medicare billing. This project involved training volunteers throughout the state and has developed and strengthened our ties to seniors and organizations which serve them, particularly in rural areas. ULS staff and SLVP advisory board members, including the state Division of Aging Legal Services Developer, have been planning an application for a Senior Hotline for several months and are awaiting the notice for requests for proposal expected this summer.

The activities of the VISTA volunteers were focused in rural areas, but aside from targeted funding identified above we have not significantly increased resources. However, we expect three trainings for *pro bono* attorneys in rural areas scheduled before the end of June and personal visits to attorneys in other rural areas offering them a just updated Domestic Relations Manual and a disk of forms will generate a significant increase in volunteer attorneys in these areas.

The TIG grant discussed above, will dramatically expand services in rural areas because attorneys anywhere in the state can provide the review assistance. This project will also significantly expand services since it will provide assistance in cases which, because they don't involve domestic violence, are low priority for ULS.

7. What steps have been taken within the legal services delivery system and among client communities to identify and nurture new leaders? Do leaders reflect the diversity within the state and within client communities? Do equal justice leaders reflect the gender, race, ethnic and economic concerns of important groups within Utah? Does the leadership provide opportunities for innovation and experimentation; does it support creative solutions to meet changing needs; are new ideas welcomed; are clients nurtured as leaders? Has the leadership been given sufficient authority and resources to implement needed changes?

The board of "and Justice for all" and the boards of its constituent agencies (DLC, LAS, MCLC and ULS) are 23% ethnic or racial minorities, and 46% women. The staff of the agencies are 19% ethnic or racial minorities, and 69% women, and the clients served by the agencies are 19% ethnic or racial minorities and estimated to be 62% women. The proportion of ethnic or racial minorities in each of these categories is higher than the 11% of Utah's population reported by the 2000 Census to be ethnic or racial minorities.

The Multi-Cultural Legal Center is the best example of community need and members creating an institution to provide service and develop new leaders. The center was founded two years ago as a direct result of the needs and interest of racial and ethnic communities. DLC and ULS supported the founding of MCLC through mentoring in strategic planning (DLC), administering federal funds (ULS), and both agencies funded MCLC to conduct a legal needs/awareness study with various racial and ethnic groups. Both agencies supported applications by MCLC to foundations which were long-term supporters, recognizing funding to MCLC might reduce our own funding.

ULS is committed to close working relationships with both law schools in the state to involve students in volunteer and intern programs to expand the services we can provide. But equally important, establishing a relationship early in a student's legal training has proven to be the most effective way to recruit future staff and volunteers, particularly with ethnic, minority and students with low-income backgrounds.

A benefit of Utah's relatively small population is public interest staff, board members and the leadership of the Bar, judiciary, and law schools know one another and frequently work together on a variety of projects. Over the last decade the relationships and trust between individuals and organizations has provided the foundation for the "and Justice for all" campaign, and its newest effort, the Community Legal Center, a wonderful opportunity and great challenge discussed in more detail in Section III.

8. What do you envision will be your next steps to achieve a client-centered integrated and comprehensive delivery system within Utah? How will clients be actively involved in the determination of these next steps?

The creation of the Community Legal Center provides an opportunity to identify gaps in services and unmet needs. The Utah Bar Foundation has made its \$500,000 support for the building contingent upon centralized intake and developing a website which includes all the agencies and opportunities for volunteers. While these goals will

take considerable planning and staff time, ULS must also maintain and improve outreach and clinic efforts to reach rural and other special populations.

ULS must recruit and support a full compliment of client-eligible board members and actively engage them in program governance and development. "And Justice for All" should identify how to include clients in planning.

9. What has been the greatest obstacle to achieving a statewide, integrated and comprehensive delivery system and how was that obstacle overcome, or alternatively how do you plan to overcome that obstacle?

Lack of funding coupled with a very large geographic service area has and will continue to be a major obstacle. The "And Justice for All" campaign has raised an average of more than \$400,000 each of the last three years and has already reached \$300,000 this year. Utah is one of only ten states which receives no funding from legislative appropriation or filing fees. In the last legislative session, during a year of budget cutting, an appropriation of \$100,000 was made for the Community Legal Center, in part because the success of the AJFA campaign demonstrated what lawyers were doing to provide access to legal services for low-income and disabled citizens. The campaign partners plan to use this breakthrough to obtain continuing state support, recognizing this may not be immediate and will be require ongoing effort. We have been told a well run capital campaign for the Center should expand and increase the support for the annual campaign.

The other significant barrier is self-satisfaction of well intended, committed, and hard working staff and stakeholders. Designing and implementing systems and programs requires hard work and persistence; making changes (whether in intake or establishing standards for case handlers) particularly when those who have done the work believe service is better than ever before, can be challenging for everyone. Maintaining a productive tension between giving existing systems and programs the resources and time to demonstrate effectiveness and willingness to investigate and implement changes to both under performing and effective systems is difficult but necessary to achieve the best use of limited resources to provide client centered services.

10. Has any benefit-to-cost analysis been made in terms of creating a comprehensive, integrated and client-centered legal services delivery system in Utah? If yes what does it show?

No benefit-to-cost analysis has been made, although the expanding efforts of "And Justice for All" on co-location and centralizing intake are premised on the expectation the result will be improved client access and reduction of overhead costs.

11. What resources, technical assistance and support would help you meet your goals?

Sharing specific best practices and standards from other states, particularly evaluation tools, cost benefit analysis models and how states/programs successfully provide some assistance to more eligible clients in low priority cases without substantially reducing full representation in high priority cases.

II. To what extent have intended outcomes of a comprehensive, integrated client-centered legal service delivery system been achieved including but not limited to service effectiveness/quality; efficiency equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?

1. On the issues impacting upon low-income persons in Utah, what strategies have you designed to address them and how do you plan to measure your future success in addressing your objectives?

As discussed in Section I, ULS has worked with other civil legal service providers to increase funding for low-income and disabled people through the "And Justice for All" campaign and joint applications to provide services to victims of domestic violence. ULS chose the Social Research Institute to plan a legal needs survey in part because SRI helped the Disability Law Center to evaluate the awareness, needs and satisfaction of its constituencies. We hope to produce a better needs survey by working together on this endeavor. DLC also has expertise in establishing and measuring objectives upon which we will draw.

2. Has the delivery system expanded access and services through coordination with providers throughout Utah? Can this be quantified?

As discussed in Section I, ULS has devoted significant effort to expanding access and services by working closely with the Disability Law Center which is a statewide provider and, like ULS, has offices throughout the state and uses toll-free phone lines to provide service, and the new Multi-Cultural Legal Center. Working with the Ute Tribal Court and the law schools has been one of our most rewarding experiences. Establishing courthouse clinics in counties where there is no legal services office is beginning to increase services in those areas.

The outreach efforts of the VISTA volunteers and their participation in local domestic violence coalitions has increased referrals and services provided to victims of domestic violence. To help provide services to these victims and to expand services ULS has planned CLE training in three rural areas to recruit *pro bono* attorneys. The Director of the Legal Aid Society which provides services only in Salt Lake County is the chair elect of the family law section and will be a trainer, and since he is from one of the most rural counties, we expect him to be a particularly effective recruiter.

The TIG grant will provide on-line review of domestic pleadings by *pro bono*, and perhaps staff attorneys under a clinic model, for low-income clients throughout Utah. The

project is still in the testing stage, so 2003 is the first year the program will be widely available.

We have not quantified the effects of these efforts, but have asked volunteer graduate students to analyze our CSR data by county and problem for the last several years to help us identify areas which are under-served, and should be able to use their findings to establish a baseline to set goals and measure results.

3. Has the quality of services provided by the delivery system improved? How?

ULS has used statewide substantive task forces to set standards for case handling and regular review of caseload and case files by supervisors. Task force chairs have observed advocates in action and met with them in their local offices. Annual evaluations and merit payment are based on these reviews. Real-time transfer of intake calls to advocates has been overseen by task forces and is another avenue to standardize the giving of quality advice in addition to providing services to more clients than the call back systems.

ULS held a statewide trial advocacy training May 2001 using a half dozen private attorneys as trainers. Every attorney and paralegal was assigned to a family law, landlord tenant, or Social Security case. During the week, trainers made presentations on particular skills such as opening and closing statements, direct and cross examination, and objections, and participants were given the opportunity to practice and were videotaped. The final day was mock hearings with intake and administrative staff serving as witnesses and jurors. Both staff and guest trainers rated the training a success in skill building and it enhanced relationships between staff who don't get to work together frequently.

4. Since 1998, has there been improvement in the relative equity of client access throughout Utah for all low-income clients regardless of who they are, where in the state they reside, what languages they speak, their race/gender/ national origin, or the existence of other access barriers? How is this equity achieved?

As discussed in Section I and above, ULS has worked to increase access for rural and traditionally under-served client populations throughout Utah. One significant change since 1998, is that ULS has seven paid intake staff who speak Spanish as well as many volunteers. Establishing clinics, whether at courthouses or for particular populations such as Asian and Polynesian communities or through StreetLaw sites at shelters, soup kitchens and at an English as a second language school, has been a major emphasis and commitment.

5. Since 1998, has there been improvement in the relative equity in terms of the availability of the full range of civil equal justice delivery capacities throughout Utah? What mechanisms have been developed to ensure equity is achieved and maintained? Since 1998, has there been improvement in the relative equity in the development and distribution of civil equal justice resources in Utah? Are there

areas of Utah that suffer from a disproportionate lack of resources (funding as well as in-kind/pro bono)? If so, is there a strategy to overcome such inequities?

Since ULS has been a statewide program for 25 years, our effort to provide relative equal access to a full range of services has focused on how to improve access in the 24 counties where we have no office. We began with circuit riding, then a statewide toll-free phone line and have added statewide intake as well as expanded outreach and clinics discussed previously.

ULS has used IOLTA and "And Justice for All" funding to expand services to the Ute Tribe and in rural areas and to serve victims of domestic violence who are not citizens.

6. Does this legal services delivery system operate efficiently? Are there areas of duplication?

The providers of civil legal services to low-income and disadvantaged Utahns have worked hard to identify and eliminate any duplication of services as a first step in maximizing the limited available resources to meet seemingly unlimited needs. About 20 years ago ULS began considering the services provided by the Legal Aid Society in setting priorities, and consequently undertakes no family law matters in Salt Lake County unless LAS has a conflict, and attempts to refer even those cases to *pro bono* attorneys. The directors of LAS and the Disability Law Center have attended the last two ULS strategic planning retreats. ULS adjusted priorities when DLC determined it would no longer handle Social Security or SSI disability cases.

ULS has supported the efforts of the Multi-Cultural Legal Center not only with traditional letters of support for funding applications, but has asked funders to redirect grants to MCLC because the services could best be provided by this new agency. ULS has worked closely with DNA Legal Services for many years to meet the challenge of serving the Utah portion of the Navajo Nation, and supported DNA's initial application to the Utah Bar Foundation for IOLTA funds for San Juan County, and periodically assures Foundation trustees there is no duplication of services.

ULS supports the *pro bono* attorneys in two counties who regularly try to represent victims of domestic violence seeking protective orders. ULS provides professional liability coverage and fills in one county when volunteers are unavailable.

7. Has the system expanded the way it involves private lawyers in the delivery of essential services to low-income persons? Does the system effectively and efficiently use the private bar to deliver essential services to low-income people?

Recently the Utah State Bar was very successful in recruiting attorneys to assist members of the military or reserves who have been activated and their families with a variety of problems, but it is unclear how many of these individuals or families are income and asset eligible for ULS services.

ULS and the USB *Pro Bono* Coordinator have found most attorneys are more interested in taking assignments which involve known and limited amounts of time and prefer to participate in programs like "Night at the Bar" or StreetLaw rather than take a case. StreetLaw sites are now primarily staffed by volunteer attorneys, albeit the number participating is small and the vast majority are former staff or clerks. Beginning last fall, one of the ULS VISTA volunteers has been attempting to place cases by offering a *pro bono* law student willing to assist. Some attorneys have agreed to take cases and use students, but it is too early to determine if this will lead to an increase in placing cases long-term.

ULS and the *Pro Bono* Coordinator are devising a protocol to screen the cases which are most likely to be of interest to volunteer attorneys who are willing to take cases. We are also evaluating developing subject matter clinics, perhaps in areas such as contested custody cases where there is no substantiation of abuse which are low priority for ULS staff and generally unappealing to volunteers. Experienced family law practitioners who knew they would not be asked to take on extended representation might be willing to try to educate and advise clients about their options and likelihood of success for changing custody orders.

As discussed in Section I, ULS has scheduled CLE trainings and personal visits to attorneys in rural Utah with the newly updated Domestic Relations Manual to expand the number of *pro bono* attorneys willing to undertake family law cases. ULS will also work with the New Lawyer Continuing Legal Education Committee of the USB to involve new bar members in *pro bono* in general and domestic cases in particular.

ULS and the Administrative Office of the Courts expect that the TIG grant will be a significant tool to increase the number of attorneys who will assist low-income clients with domestic cases. Because the volunteer attorney will be able to review and comment on the pleadings at his or her convenience and it is clear that the service provided is limited, but much appreciated by the court, we believe it will be possible to recruit a significant number of attorneys and likely that many may be willing to assist several clients a year.

These efforts aside, ULS is not satisfied with the use of *pro bono* lawyers and has identified this as an area in which significant improvement is needed. Perhaps co-locating in the new Community Legal Center and the joint website with the other providers will provide new opportunities and momentum for expanding the use of volunteer attorneys and law students.

III. Are the best organizational and human resource management configurations and approaches being used?

1. For calendar year 2001, what is the current configuration of programs (LSC and non-LSC) that deliver services to low-income clients -- i.e., what are the components (size, areas of responsibility, governance) of the delivery system?

What are the funding sources and levels for each of these components of the delivery system?

Utah Legal Services, is the only statewide provider of civil legal services to the poor. ULS 2001 revenues were \$2,975,000, 60% LSC; 16% foundations, United Way and individuals; 13% state/federal domestic violence; 7% local/federal aging; and 4% from local/state for public benefits and housing work. ULS has four staff offices.

The Disability Law Center, designated by the Governor as Utah's protection and advocacy agency, operates statewide on an annual budget of \$1,135,000 of which 84% is federal funding; 8% is from foundations; and 8% from private donors. DLC specializes in protecting and strengthening the rights of people with disabilities including legislative advocacy and systemic reform. DLC has three staff offices.

The Legal Aid Society's 2001 operating budget was \$1,015,000 of which 32% was contracts for domestic violence (VOCA, VAWA, Department of Justice); 21% from foundations; 23% from United Way; and 24% from private donors. LAS has one office and provides assistance in family law cases to low-income clients in Salt Lake County.

The Multi-Cultural Legal Center provides legal assistance to racial and ethnic communities where language or cultural barriers exist. Areas of emphasis include immigration, housing, employment discrimination, language rights and racial profiling. MCLC operating budget is \$93,265 of which \$40,000 is from the Commission on Civil and Juvenile Justice; \$37,500 from foundations and the balance from private donors. MCLC has one office.

The Utah State Bar funds a *Pro Bono* Coordinator who attempts to match clients, primarily screened and referred by ULS, with volunteer attorneys and recruits and supports volunteer attorneys. The budget for this work is \$45,000.

Late last year Holy Cross Ministries placed two Sisters who are attorneys in Utah to assist clients throughout the State with immigration cases. The budget for their project is \$110,000 from unknown sources.

2. Since October 1998, what other configurations and/or approaches have been seriously explored? Were any adopted? Were any rejected? Are any changes contemplated in the coming year?

The most significant undertaking for ULS and the other primary providers of civil legal services to low-income and disabled Utahns has been the planning for co-location. One of the primary recommendations of the Access to Justice Task Force was to centralize intake to improve access for clients. Initially, the most feasible approach was thought to be using technology to link the providers and creating "virtual centralized intake". While theoretically possible, exploration of this option made it clear significant staff time and financial resources would be required to establish just the framework to

make seamless transfers of callers and information they had already provided to the most appropriate agency.

While the increasing complexity and expense of "virtual centralization" was becoming apparent the Disability Law Center's building was sold and it was informed only month-to-month tenancy would be available because the new owner intended to demolish the building. ULS and LAS were in the last years of ten-year leases and Multi-Cultural Legal Center had outgrown its donated space at the Asian Center.

At the same time, the "And Justice for All" fundraising campaign was proving not only that a united fundraising effort was well received but that the agencies could work together successfully on a day-to-day basis on one of the most difficult issues--money. The volunteer leadership of that campaign while very supportive of the agencies, was frequently confused about which agency provided which services and wondered how clients and other attorneys distinguished between the entities.

Staff and boards began to consider the advantages to clients and the agencies of co-locating in one building. While there were many concerns, including program integrity for ULS, conversations with government and foundation leaders assured us that there was funding to support purchase of a building to house the agencies which would not be available to the agencies independently or jointly for operating and programming costs. A preliminary business plan confirmed that a capital campaign for a building would, in the short run, reduce rent costs by 60% and if it was very successful or over the long-term (five years) reduce them even more.

Because so many potential clients are confused about which agency specializes in the problem they have and a substantial number of clients need the assistance of more than one agency, the benefit to clients of co-location was clear. A more detailed business plan revealed that co-location could reduce other overhead costs besides rent. The "And Justice for All" trustees recommended pursuing co-location to each of the boards they represented and after all the boards authorized seeking a building the fundraising began in earnest.

The first \$210,000 raised in July 2001 was from a Salt Lake City Community Development Block Grant and one of the requirements was that no current tenants be displaced. Looking for an empty building which was the right size, in good condition, and close to the courts and public transportation narrowed the search. When a building was identified in September which met all the criteria including being remodeled in 1998, the timetable for acquisition accelerated.

Cost of the building, limited construction and improvements is \$4,000,000, and since "And Justice for All" had raised \$2,400,000 before publically announcing the campaign and was given a three-year \$750,000 no-interest loan from a foundation which had already donated an additional \$750,000, the Trustees approved purchase and closed on the building March 28, 2002. Since additional Community Development Block Grants to cover buildouts as well as computer and phone wiring costs are pending for the year

beginning July 2002 it is likely that actual relocation will not occur until September or later.

The support for the building and co-location has been astounding. As described in Sections I and II the state legislature has given the first support ever to civil legal services with a \$100,000 appropriation. Two smaller cities in Salt Lake County have awarded \$35,000 and \$20,000 and favorable recommendations for an additional \$120,000 are pending from a variety of cities and the county. Both the Utah State Bar and the Utah Bar Foundation have made significant pledges. One co-chair for the campaign has agreed to serve and several well known and respected Utahns have agreed to consider honorary co-chair positions. Prominent estate planners, accountants and attorneys evaluated 375 prospects who could give more than \$25,000 to the campaign and 85% of them are not attorneys who contribute to the "And Justice for All" campaign, so this effort will expand our support in the community.

This effort has already consumed a substantial amount of staff and board time and certainly will involve more time before and after the move. A volunteer attorney drafting the operating agreement and leases between "And Justice for All" and each agency has been provided with a copy of the program integrity regulation which has been incorporated into both documents as have requirements to regularly monitor and adjust any costs and charges. ULS will carefully monitor all aspects of co-location which might present a question of subsidizing prohibited activities and maintaining ULS independent identity.

4. Is there any identifiable duplication in capacities or services in the state? How many duplicative systems -- accounting systems, human resources management systems, case management systems, etc. -- currently exist? Does the service delivery system now in use minimize or eliminate duplications that existed prior to October 1, 1998?

Potential areas for reducing overhead other than rent at the Community Legal Center are to share personnel such as receptionists and in the accounting department. However, the mechanics of relocating three existing computer systems and sharing one phone system will be the first priorities. We have agreed with DLC and LAS that once we are in the building and have a functioning website and centralized intake we will evaluate what other functions can be consolidated and develop short and long range plans to do so.

5. Since October 1998, what innovative service delivery systems/mechanisms/initiatives have been adopted in the state? Have any been explored and then rejected?

ULS worked with DLC and LAS to develop a technology based centralized intake system and prepared an application for TIG funding in 2000 which was not funded.